

**OFFICE OF LEGAL SERVICES**



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September 28, 2001

**VIA FACSIMILE, E-MAIL AND REGULAR MAIL**

Gregory L. Benik, Esquire  
Holland & Knight, LLP  
Suite 1800  
One Financial Plaza  
Providence, RI 02903

Re: Global Waste Recycling, Inc.  
Independent Sand & Gravel

Dear Greg:

The Rhode Island Department of Environmental Management (Department), Office of Waste Management (OWM) has reviewed the Global "Closure Plan" (Plan) submitted on August 17, 2001. Said Plan was submitted pursuant to the correspondence from Leo Hellested to Michael Picozzi of Global Waste Recycling, Inc. ("Global") and Independent Sand & Gravel, Inc. ("Independent") dated August 7, 2001. The Department hereby approves the Plan as amended with the following revisions:

**A. NO ADDITIONAL MATERIAL**

Pursuant to the Final Order signed March 15, 2001 by the Director of the Department and the Superior Court Consent Order, no additional Construction and Demolition Debris Waste (C&D) or other solid waste shall be brought to or received at the Global property and the Independent property (Site).

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B. NO PROCESSING

**No processing shall take place on the Site.** The license application of the Global Waste Recycling, Inc. facility was denied by the OWM and upheld by a Final Order on March 15, 2001. This Final Order was not appealed. Accordingly, the Global facility does not have a license to process C&D.

Rhode Island General Laws Section 23-18.9-8(a)(1) sets forth that "[n]o person shall operate any solid waste management facility or construction and demolition (C&D) debris processing facility unless a license therefore is obtained from the director."

Solid Waste Regulation 1.4.01 also prohibits the operation of a solid waste management facility without a license. Because this facility does not have a license to process C&D at this time, the additional processing requested in the "Closure Plan" is prohibited by the statute and regulations. The request for additional processing, therefore, is denied.

C. SOLID WASTE REMOVAL

All existing solid waste on the Site shall be removed from the Site by the dates specified in this approval letter. Although stockpile quantities have been estimated, all solid waste shall include, but not be limited to, all unprocessed and processed C&D, wood chips, screenings, "hard product", and all other miscellaneous waste on the Site and along the roads and perimeter banks whether in stockpiles, buried, or spread out on the Site.

Documentation from all destinations shall be submitted to the Department for every truckload of material leaving the Site. Documentation shall include names and addresses of the destinations, dates, times, amounts and description of materials delivered to the destination. Documentation shall be delivered to the Department by 4:00 PM every Friday for the preceding week.

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I. C&D SCREENINGS REMOVAL

Removal of C&D screenings from the Phase I portion of the site shall commence no later than Tuesday, October 9, 2001. No less than 8,000 cubic yards of the screenings shall be removed by December 31, 2001 and shall continue to be removed at the rate of at least 480 cubic yards per day as specified in the Plan. Fifty percent (50%) of all screenings shall be removed from the Site on or before April 15, 2002. All C&D screenings (100%) shall be removed from the Site by June 30, 2002.

II. HARD PRODUCTS REMOVAL

Removal of the hard products from the Site shall begin no later than Tuesday, October 9, 2001. All hard products shall be removed from the Site on or before December 31, 2001. It shall be the obligation of Global and Independent to comply with this deadline. Any agreements or arrangements Global and Independent may have with Rhode Island Resource Recovery Corporation or any other party shall not effect the obligation of Global and Independent to remove the hard product from the Site by December 31, 2001.

III. BERM REMOVAL

Demolition of the berm and removal from the Site of the materials contained therein shall begin no later than Tuesday, October 9, 2001. Fifty percent (50%) of all berm materials shall be removed from the Site and disposed at a licensed solid waste management facility on or before November 1, 2001. The berm shall be removed and all berm materials (100%) disposed at a licensed solid waste management facility on or before December 1, 2001.

IV. OTHER SOLID WASTE

All solid waste on the Site other than the berm materials, hard products and C&D screenings shall be removed from the Site and disposed at a licensed solid waste management facility on or

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before December 31, 2001. This other solid waste includes, but is not limited to, wood chips and unprocessed C&D. Wood chips may be removed to Beaver Steam in Livermore Falls, Maine or to Athens Power in Athens, Maine.

D. OPERATIONAL REQUIREMENTS DURING SOLID WASTE REMOVAL

- Global shall insure that no dust or odors migrate beyond the property lines of the Site during removal activities.
- For trucking and removal activities, Global shall make themselves aware of AM and PM school busing hours, in the neighborhood surrounding the Site, and comply with any and all local requirements.
- The removal of materials shall be conducted in compliance with all applicable regulations, statutes, and ordinances.
- This approval does not relieve Global and Independent of its obligation to comply with all applicable federal, state, and local requirements.

If the terms and conditions of this approval as set forth herein, are acceptable to your client, kindly so inform me in writing by Friday, October 5, 2001. As we discussed, we will incorporate any agreed upon removal plan into a Consent Order in the Superior Court action.

If your client does not agree to this removal schedule or you anticipate that your client will be unable to comply with the terms and conditions of this approval as set forth herein, kindly contact me in writing by Friday, October 5, 2001. In such event, the Department requests that Global authorize the release of all of the funds in the closure fund at Citizens Bank to the Department for the Department or its agents to accomplish the cleanup. If Global refuses this request, the Department will petition the Superior Court for the release of the funds to DEM.

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If you have any questions, please do not hesitate to contact me at your convenience.

Sincerely,

John A. Langlois, Sr.  
Senior Legal Counsel

cc: Terrence Gray, DEM, Assistant Director  
Leo Hellested, DEM, Chief, OWM  
Laurie Grandchamp, DEM, OWM  
Dan Russell, DEM, OWM